

Message Text

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PAGE 01 BONN 16597 052318Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-05 INR-07 L-03 ACDA-07
NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06 TRSE-00
DODE-00 /060 W
-----072946 061014Z /20

R 051837Z OCT 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 2056
USMISSION USBERLIN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L BONN 16597

E.O. 11652: GDS
TAGS: PGOV, BQG
SUBJECT: LORENZ TRIAL: REPLY TO DEFENSE LAWYERS' LETTER
TO COMMANDANTS

REFS: (A) USBER 2006; (B) BONN 13242

1. IN AN OCTOBER 4 BONN GROUP DISCUSSION OF A PROPOSED
REPLY TO THE LAWYERS' LETTER (REF A), THE FRENCH REP
(GAUSSOT) REITERATED THE FRENCH POSITION THAT THE REPLY
SHOULD BE BRIEF, PERHAPS NO MORE THAN A SINGLE SENTENCE,
SINCE WE SHOULD NOT DEFEND OUR POSITION MORE FULLY
TO THE LAWYERS (WHO HAVE NO STANDING VIS-A-VIS THE
ALLIES) THAN TO THE SOVIETS. HE SUGGESTED THAT THE
REPLY COULD SIMPLY REFER TO THE ALLIED PRESS STATEMENT
OF OCTOBER 1 (REF B).

2. THE US REP SUGGESTED THAT WE QUOTE THE ALLIED
STATEMENT IN FULL IN THE LETTER SINCE THE LAWYERS,
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PAGE 02 BONN 16597 052318Z

ALREADY HAVING PUBLISHED THEIR LETTERS AND THE SOVIET
REPLY, MIGHT ALSO PUBLISH THE ALLIED REPLY, WHICH
SHOULD BE A SELF-CONTAINED ANSWER. UK REP (EYERS)
ALSO SUGGESTED THAT THE ALLIES ANSWER IN A SINGLE LETTER
IN ORDER TO MINIMIZE THE ATTENDANT PUBLICITY AND THAT
SUCH A LETTER NOT COME FROM THE COMMANDANTS BUT FROM
THE CHAIRMAN LEGAL ADVISER. IT WAS THEREFORE AGREED AD REF

THAT THE FOLLOWING LETTER BE SENT TO THE LAWYERS BY
THE BERLIN MISSIONS' CHAIRMAN LEGAL ADVISER:

"I AM DIRECTED TO REPLY TO YOUR LETTER OF 28 JULY
TO THE BRITISH, FRENCH AND UNITED STATES COMMANDANTS
CONCERNING THE PROSECUTION OF YOUR CLIENT, ANDREAS
THOMAS VOGEL.

"IN RESPONSE TO YOUR LETTER, I REFER YOU TO THE
FOLLOWING STATEMENT ISSUED ON BEHALF OF THE ALLIED
KOMMANDATURA ON OCTOBER 1, 1977:

THE FUNCTIONS IN THE WESTERN SECTORS OF BERLIN OF
OFFICERS OF THE BUNDESANWALTSCHAFT DERIVE FROM FEDERAL
LEGISLATION WHICH HAS BEEN ADOPTED BY THE BERLIN HOUSE
OF REPRESENTATIVES AS BERLIN LAW IN ACCORDANCE WITH
ESTABLISHED PROCEDURES. THE FUNCTIONS OF SUCH OFFICERS
IN THE WESTERN SECTORS OF BERLIN ARE EXPRESSLY SUBJECT
TO THE POWERS AND JURISDICTION OF THE ALLIED AUTHORI-
TIES AND THEY MAY ACT ONLY IN CONFORMITY WITH THE LAWS
IN FORCE IN THE WESTERN SECTORS OF BERLIN. ACCORDINGLY
THE PROSECUTION OF THIS CASE IN THE WESTERN SECTORS
OF BERLIN BY SUCH OFFICERS IS NOT AN ACT BY A FEDERAL
BODY IN EXERCISE OF DIRECT STATE AUTHORITY OVER THE
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PAGE 03 BONN 16597 052318Z

WESTERN SECTORS OF BERLIN AND IS IN
NO WAY INCONSISTENT WITH THE QUADRIPARTITE AGREEMENT.

(COMPLIMENTARY CLOSE)."

3. ACTION REQUESTED: DEPARTMENT'S APPROVAL OF TEXT OF LETTER AND
OF SIGNATURE BY CHAIRMAN LEGAL ADVISER.
STOESSEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION, POLITICAL TRIALS, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 05-Oct-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BONN16597
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
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Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770364-0929
Format: TEL
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771093/aaaadbev.tel
Line Count: 104
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d1ed6e37-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Review Transfer Date:
Review Withdrawn Fields: n/a
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Secure: OPEN
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Subject: LORENZ TRIAL: REPLY TO DEFENSE LAWYERS' LETTER TO COMMANDANTS
TAGS: PGOV, GE, BQG, (LORENZ, PETER)
To: STATE USBERLIN
Type: TE
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Review Markings:
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